

QUESTIONS TAKEN ON NOTICE:

BUDGET ESTIMATES

GENERAL PURPOSE STANDING COMMITTEE No. 3

Hearing on Monday 28 August 2006

JUVENILE JUSTICE

Question 1:

The Hon. CATHERINE CUSACK: requested the name of the senior judicial officer from the United Kingdom who is conducting the investigation into inappropriate emails.

RESPONSE:

The name of the person is Ms Clare Alder, a barrister and former Deputy District Judge in the United Kingdom.

Question 2:

MS LEE RHIANNON: Will the Minister detail on how many occasions juvenile detainees have been held in segregation longer than six hours in a 24 hour period?

RESPONSE:

The new legislation for segregation came into effect on 1 July 2006.

The number of occasions juvenile detainees were held in segregation longer than six hours in a 24 hour period from 1 July 2006 to 28 August 2006 is twenty four (24).

Question 3:

MS LEE RHIANNON: How many detainees have been punished by being held in isolation for more than three hours in a 24-hour period?

RESPONSE:

Confinement, rather than "isolation", is the term used in the Children (Detention Centres) Regulation 1987 to describe the separation of a detainee from the normal routine of a juvenile justice centre for the purpose of encouraging a more positive attitude and behaviour.

The new legislation for confinement came into effect on 1 July 2006.

The number of detainees held in confinement for more than 3 hours in a 24 hour period from 1 July 2006 to 28 August 2006 is 194.

Question 4:

The Hon. CATHERINE CUSACK: Minister, I would like to raise with you the case of Darryl Gardener. We have just talked about the efforts by the Department of Juvenile Justice to recruit Aboriginal staff to the organisation. Darryl Gardener is an absolutely outstanding young Aboriginal person from Wagga Wagga and you have recently written to the member for Wagga Wagga, Daryl Maguire, who complained about Mr Gardener's recruitment treatment and the fact that he has now been discharged from the department's employment in contrast with all of your own employment guidelines. I am just wondering if the case is familiar to you, the director-general or the department?

RESPONSE:

The Department of Juvenile Justice maintains its position that it justifiably dispensed with Mr Gardiner's services as a temporary employee under Section 27 of the Public Sector Employment and Management Act (PSEMA) 2002.

The letter of offer of employment dated 2 May 2006 sent to Mr Gardiner, stated that "employment is subject to a satisfactory security clearance" and that "temporary employment" does not constitute permanent employment within the meaning of the PSEMA 2002.

On 14 June 2006, following his failure to satisfy the security clearance, the Department of Juvenile Justice sent Mr Gardiner a letter outlining the dispensation of his services pursuant to Section 30 of the PSEMA 2002.

Question 5:

The Hon. CATHERINE CUSACK: Minister, I understand there has been a proposal for a specialist mental health unit to be established for juvenile justice detainees in the Long Bay correctional complex and that that facility would have 17 beds available for juveniles identified as having mental health needs in the juvenile system. Can you explain that proposal?

RESPONSE:

The responsibility for the development of the proposal for a specialist mental health unit lies with the Department of Health.

Further information and details about the unit may be obtained from the Department of Health.

Question 6:

The Hon. CATHERINE CUSACK: In the Auditor General's report last year, Managing and Measuring Success, which we actually talked about for quite some time at the last Estimates, measuring performance and the impact that the department is making on repeat offending, it refers to pilot programs that have been conducted between the Department of Juvenile Justice and the Department of Housing to find accommodation for young offenders, people who are under the supervision of your

department. I just wondered what the outcome of those pilots has been? The department is now working with the Department of Housing for improved accommodation and was carrying out joint pilot projects to help young offenders find a place to live long term.

RESPONSE:

The NSW Housing and Human Services Accord (the Accord), is an agreement between the Department of Housing and other Human Services agencies, to improve the planning, co-ordination and delivery of services to social housing clients.

The Accord is part of the Government's *Reshaping Public Housing Reforms*, announced in April 2005, and will target the most disadvantaged and vulnerable public and community housing tenants by assisting these people to maintain their tenancy.

For the first time, young people under 20 years without family support will be a group eligible for assistance.

New arrangements for assessing a client's housing needs mean that assessments will now be conducted jointly. The new assessment arrangement will be trialled in three pilot areas: Wagga Wagga, Eastlakes/Maroubra, and Hamilton South/Newcastle.

The Accord will allow young people greater access to public housing than ever before.

Question 7:

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What part of the budget and what programs look at recidivism rates? I gather you talked about the data. Do you have good figures on recidivism rates, and how long are people followed for? Is there a prospective study and how are the privacy aspects of that dealt with?

RESPONSE:

The department recently received funding of \$4.977 million over four years to develop a Corporate Information System. This will address information gaps and enable the extraction of data from a number of sources into a data warehouse for performance reporting purposes. The department is also developing an evaluation framework which will establish a standard approach to evaluating departmental activities in terms of their success in meeting the department's goals in running them. This will enable quicker and less costly evaluation of programs already implemented, as well as new programs.

Upon completion of these projects it is anticipated that the department will be able to analyse and evaluate its work with a significantly higher degree of sophistication, regularity and immediacy.

The department also works closely with the Bureau of Crime Statistics and Research (BOCSAR) to provide data for the re-offending database, which is used to ascertain recidivism levels of departmental clients.

The department has completed landmark research in conjunction with the University of Sydney and Justice Health. The *NSW Young People in Custody Health Survey 2003* and the recently released *Young People on Community Orders Health Survey 2006*, have provided compelling evidence of wide-ranging health and welfare needs of young offenders. This information will be used to improve evidence-based practice in the department.

The Youth Justice Conferencing Unit a major arm of the department, which manages the Section 5 of the *Young Offenders Act 1997*, is involved in the evaluation of the Act with BOCSAR. BOCSAR has published two reports of their findings.

The department complies with all relevant privacy legislation in undertaking research.

Question 8:

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: How much money is spent per child on continuing education in school or other systems of education?

RESPONSE:

The Department of Education and Training operates education and training units in each of the juvenile justice centres so that young people can continue their studies while in custody.

In addition to funds expended by the Department of Education and Training, the Department of Juvenile Justice employs Vocational Instructors at each detention centre, who provide vocational training to detainees. The 2006/07 budget for total employee costs for Vocational Instructors is \$1,293,000.

QUESTIONS ON NOTICE – TABLED AFTER THE HEARING:

BUDGET ESTIMATES

GENERAL PURPOSE STANDING COMMITTEE No. 3

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JUVENILE JUSTICE

Question 1:

How many people have been transferred from Juvenile Justice Centres to Kariong Juvenile Correctional Centre in 2005/06 and how many are expected to be transferred in 2006/07?

RESPONSE:

In 2005/06 **60** young people were transferred to Kariong Juvenile Correctional Centre from juvenile justice centres.

The department's Objective Classification System determines how many young people will be transferred to Kariong.

Question 3:

Can the Minister detail on how many occasions:

- a. Juvenile detainees have been held in segregation for longer than 6 hours in a 24 hour period?
- b. Juvenile detainees have been held in isolation as punishment for more than 3 hours in a 24 hour period for under 16 year olds or for more than 12 hours for over 16 year olds?

RESPONSE:

- a. The number of occasions on which detainees have been held in segregation for longer than 6 hours in a 24 hour period from 1 July to 28 August 2006 is 24.
- b. Confinement, rather than "isolation", is the term used in the Children (Detention Centres) Regulation 1987 to describe the separation of a detainee from the normal routine of a juvenile justice centre for the purpose of encouraging a more positive attitude and behaviour.

The number of occasions on which detainees have been held in confinement (isolation) as punishment for more than 3 hours in a 24 hour period for under 16 year olds from 1 July to 28 August 2006 is 49. The number of occasions on which

detainees have been held in confinement for more than 12 hours for over 16 year olds from 1 July to 28 August 2006 is 1.

The new legislation for segregation and confinement came into effect on 1 July 2006.

Question 4:

In the operating statement for juvenile justice, recurrent grants to non-profit organisations are estimated at \$6,392,000 for 2006/07. This is a gross cut of 5.73% (net decrease of 8%). What is the rationale for this cut given the overall budget for the department is increasing by 5.23%

RESPONSE:

The \$6.588 million of recurrent grants to non-profit organisations in 2005/06 shown in the budget estimates included \$525,271 for services previously provided by Community Programs Inc under the Tingha Bail Accommodation Support Program.

Due to the provider being unable to deliver the required services the department took responsibility for providing rural bail accommodation support services in the Northern Region and the majority of the funding was transferred into the department's 2005/06 operating budget. This includes brokerage through community-based accommodation, independent living skills, tenancy advice, mediation and family counselling and mentoring.

As part of the annual review process a small number of services were discontinued and a new bail support program has been recurrently funded to assist young people with accommodation support across the state through community-funded services.

Indexation has been applied to payments to non-government organisations in 2006/07.

Question 145:

With respect to each Department, Agency and Entity that the Minister is responsible for:

iii) How many staff are currently employed by the Department of Juvenile Justice at Roden Cutler House Level 24/477 Pitt Street, Sydney?

RESPONSE:

The Central Support Office of Department of Juvenile Justice is located in the Sydney Central Building, 477 Pitt Street Sydney. It was formerly located at Roden Cutler House, Campbell Street, Sydney.

50 permanent staff

5 temporary staff

Total 55 staff

Note: all staff numbers are full time equivalent (FTE) as at 4 September 2006.

Question 243:

Drug Usage - Keeping in mind that children in the Juvenile Justice system have committed criminal offences:

- (1) Is there any allocation for either initial or continuing drug testing for children in custody/care?
- (2) Is there any provision for education and counselling programs for drug usage for said children?

RESPONSE:

(1) The New South Wales Drug Summit, held in May 1999, highlighted the serious issue of drug abuse, especially as it relates to the welfare of young people and the link to juvenile offending.

In 2005/06, the Department of Juvenile Justice received funding of \$318,510 from the NSW Government to undertake urinalysis testing in centres.

Random urinalysis testing commenced in juvenile justice centres in 2003. Twenty percent of eligible detainees are randomly tested each month in each centre.

Targeted urinalysis testing was introduced in juvenile justice centres in September 2005. A detainee may be targeted urinalysis tested if observations by staff indicate that the detainee is under the influence of a drug, is suspected of drug use or the detainee is involved in a significant incident. Eligibility for possible targeted urinalysis testing upon return to the centre is also a condition of leave.

(2) In 2005/06, the government funded approximately \$4.2M for counsellor positions. (The NSW Government provided approximately \$1.6M of the funds whilst the Commonwealth, under the National Illicit Drugs Strategy (NIDS), provided approximately \$1.1M. The remainder of the funds was provided from the department's core business.)

The counsellors provide programs for juvenile offenders who are either in the community or in custody. These programs include integrated and comprehensive services to assist them in dealing with alcohol, smoking and other drug problems.

The department also provides detoxification services to young people in juvenile justice centres who are withdrawing from alcohol or other drugs. These services include assessment, treatment, education, supportive counselling and group work interventions with a harm minimisation focus.

In addition to the above counsellors, Justice Health also provides assessment, treatment and education services to young people in custody. A Justice Health Drug and Alcohol Specialist also periodically visits centres and the Youth Drug and Alcohol Court.

Question 244:

Smoking & Lifestyle - Is there any active anti smoking program and anti alcohol (abuse) program budgeted for in the Juvenile Justice system?

RESPONSE:

Justice Health provides assessment, treatment and education services to young people in custody. The nurses are able to provide nicotine replacement therapy (patches) to young people in custody who are displaying severe nicotine withdrawal symptoms. A Justice Health Drug and Alcohol Specialist also periodically visits centres and the Youth Drug and Alcohol Court.

The New South Wales Drug Summit, held in May 1999, highlighted the serious issue of drug abuse, especially as it relates to the welfare of young people and the link to juvenile offending.

In 2005/06, the Department of Juvenile Justice funded approximately \$4.2M for counsellor positions. (The NSW Government provided approximately \$1.6M of the funds whilst the Commonwealth, under the National Illicit Drugs Strategy (NIDS), provided approximately \$1.1M. The remainder of the funds was provided from the department's core business.)

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Question 245:

Education - How much is spent per child on continuing education if not in school then in trade or TAFE style systems?

RESPONSE:

The Department of Education and Training operates education and training units in each of the juvenile justice centres so that young people can continue their studies while in custody. This includes access to TAFE courses.

In addition to funds expended by the Department of Education and Training, the Department of Juvenile Justice employs Vocational Instructors at each detention centre, who provide vocational training to detainees. The 2006/07 budget for total employee costs for Vocational Instructors is \$1,293,000.

Question 246:

Mental health services in Juvenile Justice facilities: I note that self harm incidents within juvenile detention centres increased from 91 in 2004-05 period to 100 in the 2005-06 period. Given the high rate of psychopathology* in juvenile offenders has the Minister factored in an allocation in the 2006-07 Budget to identify detainees with mental issues already incarcerated within the system?

RESPONSE:

Yes. The Minister has factored into the budget provision to identify the mental health needs of young offenders. As in previous years, all detainees are screened for mental health issues on admission to a juvenile justice centre.

Justice Health nurses examine young people within 48 hours of admission to a juvenile justice centre. Most are examined within 24 hours of admission.

Justice Health employs an Adolescent Psychiatrist and the Health Department's 24 Hour Mental Health line is available to the department's staff.

The Department of Juvenile Justice centre Psychologists complete mental health assessments of all young people who have suspected mental health issues.

This screening leads to the provision of the kinds of services individuals may need.

The Specialist Crisis Team responds to emerging mental health issues after hours in juvenile justice centres.

The Department has been working closely with Justice Health on a proposal to develop a dedicated screening unit for the juvenile justice detention centre system.

Question 247:

Outcomes Research?

- a. What part of the budget and what programs are funded to look at the success or otherwise of the program? i.e. rates of recidivism (I can't see any in the budget or annual reports!!!)
- b. If none, what's the point of having these programs if there is no evaluation of outcomes at say 2/5/10 year intervals?

RESPONSE:

- a. The department recently received funding of \$4.977 million over four years to develop a Corporate Information System. This will address information gaps and enable the extraction of data from a number of sources into a data warehouse for performance reporting purposes. The department is also developing an evaluation framework which will establish a standard approach to evaluating departmental activities in terms of their success in meeting the department's goals in running them. This will enable quicker and less costly evaluation of programs already implemented, as well as new programs.

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- b. See above